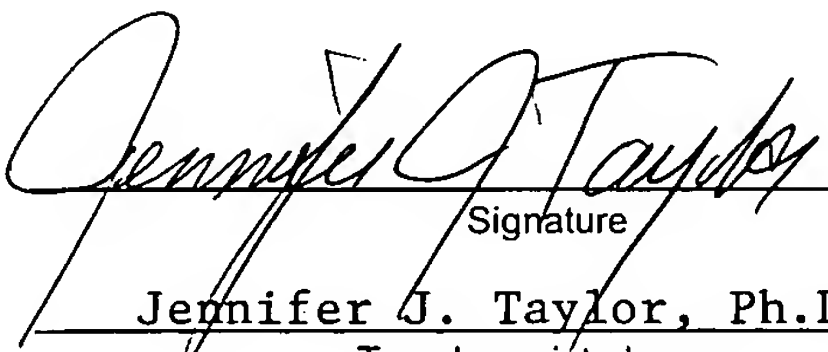
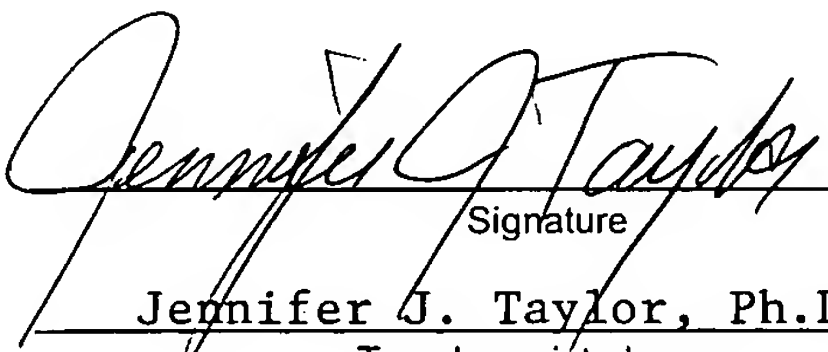
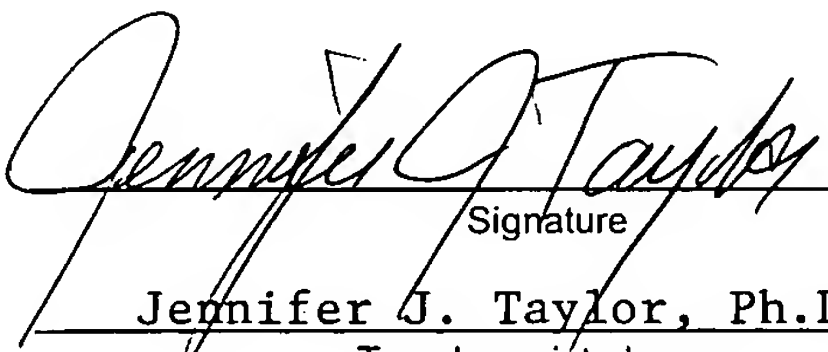


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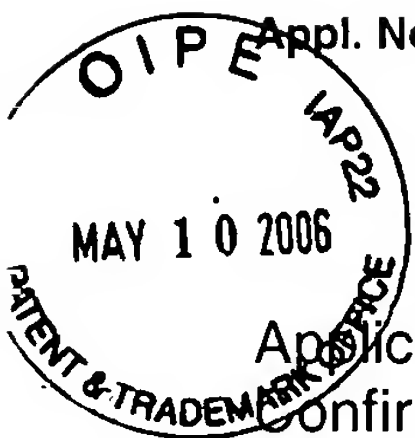
<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) MI22-2341								
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number 10/611,602		Filed June 30, 2003							
	First Named Inventor Michael J. Hermes									
	Art Unit 2812	Examiner Pompey, Ron Everett								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td rowspan="2"> Signature Jennifer J. Taylor, Ph.D. Typed or printed name</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number 48,711</td><td>(509) 624-4276 Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td>May 10, 2006 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	 Signature Jennifer J. Taylor, Ph.D. Typed or printed name	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 48,711	(509) 624-4276 Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	May 10, 2006 Date
<input type="checkbox"/> applicant/inventor.	 Signature Jennifer J. Taylor, Ph.D. Typed or printed name									
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)										
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 48,711	(509) 624-4276 Telephone number									
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	May 10, 2006 Date									

<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/611,602

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 10/611,602  
Confirmation No. .... 6154  
Filing Date ..... June 30, 2003  
Inventor ..... Michael J. Hermes et al.  
Assignee ..... Micron Technology, Inc.  
Group Art Unit ..... 2812  
Examiner ..... Pompey, Ron Everett  
Attorney's Docket No. .... MI22-2341  
Customer No. .... 021567  
Title: Semiconductor Processing Methods of Forming Dynamic Random Access Memory (DRAM)  
Circuitry

**PRE-APPEAL BRIEF**

Applicant requests review of the rejection of claims 44-49 under 35 U.S.C. § 103 as being obvious over a combination of Dennison (U.S. Patent No. 5,292,677) and Arima (U.S. Patent No. 5,612,241).

Claims 44-49 stand rejected over Dennison in view of Arima. Claim 49 recites methodology comprising forming a conductive material over portions of some conductive lines within a peripheral area, forming openings through an insulative material to expose the conductive material within the peripheral area, and forming a storage capacitor electrode layer within the openings. Claim 44 additionally recites entirely removing the storage capacitor electrode layer and at least some of the conductive material received over conductive lines within the peripheral area. As acknowledged by the Examiner at page 3 of the present action and in previous actions, Dennison fails to disclose or suggest the recited conductive material received over portions of some of the conductive lines within the peripheral area. Arima is relied upon as disclosing conductive material received over portions of conductive lines within the peripheral area with reliance upon Fig. 3C and column 6, lines 52-61 of the Arima disclosure. The Examiner contends that it would be obvious to combine Arima and Dennison "because the conductive plug will provide better electrical contact to the memory device and peripheral devices" (present action at page 4).

As set forth in applicant's response dated December 29, 2005 at page 6, lines 11-17, the combination of Arima and Dennison fails to disclose or suggest the recited formation and subsequent removal of conductive material over conductive lines in the peripheral area and therefore does not disclose or suggest each and every element of the claim. As further set forth in the response of December 29, 2005 the combination of Arima and Dennison fails to provide motivation for modification as set forth by the Examiner. As discussed in the response at page 6, line 18 through page 7 in its entirety, conclusory statements are insufficient to support a *prima facie* case of obviousness. In response to such argument the Examiner indicates that motivation for a conductive plug is derived from the Arima disclosure which indicates a good connection "even if the diffusion width of the source-drain regions 33a and 33b is made small". However, it is noted that the present claim is a method claim and motivation for the recited methodology is not addressed by the Examiner other than with conclusory statements regarding conductive plug formation. Further, as more fully set forth in applicant's previous response at page 7, second paragraph, none of the Examiner's statements address motivation for the recited formation and subsequent removal of conductive material in the peripheral area over the conductive lines as recited in claim 44.

Since the combined Dennison and Arima references fail to disclose or suggest each and every element in claim 44 and further fail to provide motivation for modification, a *prima facie* case of obviousness has not been established regarding claim 44. Therefore, claim 44 is allowable over the art of record.

Dependent claims 45-49 are allowable over Dennison and Arima for at least the reason that they depend from allowable base claim 44.

Since the Examiner's maintained rejection of claims 44-49 is believed to be clearly erroneous, review of such maintained rejection is respectfully requested.

Respectfully submitted,

Dated: May 9, 2006

By: Jennifer J. Taylor  
Jennifer J. Taylor  
Reg. No. 48,711